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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,032	08/16/2001	Hans-Jurgen Frase	V0-536	3687
7590 04/13/2004				
Pauley Petersen Kinne & Fejer Suite 365 2800 West Higgins Road Hoffman Estates, IL 60195				
			EXAMINER HORTON, YVONNE MICHELE	
			ART UNIT 3635	PAPER NUMBER

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,032

Applicant(s)

FRASE ET AL.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,7,8,12 and 21 is/are allowed.
- 6) ☒ Claim(s) 3,4,6,9-11,13-16,18 and 20 is/are rejected.
- 7) ☒ Claim(s) 17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Withdrawal of Allowable Subject Matter

The indicated allowability of claims ¹⁰01 and 11 is withdrawn in view of a more careful review of the reference(s) to MERRITT and JP 20002040 and newly discovered reference to STRAIN. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,455,801 to MERRITT in view JP 10002040. In reference to claims 10 and 13, MERRITT discloses the use of a secure room (10) including side walls (16) with a sealing door (26), a floor (20) enclosed by the side walls (16), corner elements (22) and a ceiling (18) wherein each one of the side walls (16), the floor (20) and the ceiling (18) are individual elements, column 1, lines 53-55, consisting of outer layers (36) and at least two inner layers (30, 32, 34) assembled by connecting elements (40, 41, 44) adjacent a sealing groove (colored red in the previous Official Actions) to form a module, see the marked attachment. The connecting members (44) are tapered and have lateral bevels (B), see the marked attachment, and the connectors (42) have grooves (threads) such that the connectors (44) are screwed and clamped in place by threads. The layers (36) of MERRITT is stainless steel, column 1, lines 60-64; and the layers (30, 32, 34) are urethane foamed plastic or expanded metal; wherein the layers (32) and (36) are materials inherently known for exhibiting fireproof characteristics.

2, 1, 9
7.1

Although MERRITT, column 2, lines 34-38, discloses the use of a flexible vinyl seal, he does not specify whether his seal is expandable or fireproof. Hence, MERRITT discloses the basic claimed secure room except for the use of a fire-protective sealing member. Even though expandable sealing members are old and very well known in the art, MERRITT does not specify if his seal is expandable. JP 10002040 teaches the use of an expandable seal thermal resistive seal capable of withstanding temperatures of hundreds of degrees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of MERRITT with the expandable seal of JP 10002040 in order to prevent the spread of fire between panels and into the interior of the secure room. Regarding claim 15, the individual elements (16,18,20) have connecting tongues (T), see the marked attachment.

Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,455,801 to MERRITT in view JP 10002040 and US Patent #4,258,511 to STRAIN. In reference to claims 10 and 13, MERRITT discloses the use of a secure room (10) including side walls (16) with a sealing door (26), a floor (20) enclosed by the side walls (16), corner elements (22) and a ceiling (18) wherein each one of the side walls (16), the floor (20) and the ceiling (18) are individual elements, column 1, lines 53-55, consisting of outer layers (36) and at least two inner layers (30,32,34) assembled by connecting elements (40,41,44) to form a module, see the marked attachment. The connecting members (44) are tapered and have lateral bevels (B), see the marked attachment, and the connectors (42) have grooves (threads) such that the connectors (44) are screwed and clamped in place by threads. The layers (36)

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of MERRITT is stainless steel, column 1, lines 60-64; and the layers (30,32,34) are urethane foamed plastic or expanded metal; wherein the layers (32) and (36) are materials inherently known for exhibiting fireproof characteristics. Although MERRITT, column 2, lines 34-38, discloses the use of a flexible vinyl seal, he does not specify whether his seal is expandable or fireproof. Hence, MERRITT discloses the basic claimed secure room except for the use of a fire-protective sealing member and except for the use of a U-shaped floor profile. Even though expandable sealing members are old and very well known in the art, MERRITT does not specify if his seal is expandable. JP 10002040 teaches the use of an expandable seal thermal resistive seal capable of withstanding temperatures of hundreds of degrees. Regarding the floor profile, MERRITT discloses the use of an L-shaped floor profile. However, STRAIN teaches the use of a U-shaped floor profile (25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of MERRITT with the expandable seal of JP 10002040 and to replace the L-shaped profile of MERRITT with the U-shaped floor profile of STRAIN in order to prevent the spread of fire between panels and into the interior of the secure room while also providing the assembly with an added protection about each side of the panel member. In reference to claim 18, the connecting elements (40,41,44) are connected adjacent a sealing groove (colored red in the previous Official Actions).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,455,801 to MERRITT in view JP 10002040, as applied to claim 10 above, and further in view of US Patent #4,258,511 to STRAIN. MERRITT discloses the basic

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claimed secure room except for the use a U-shaped floor profile. MERRITT discloses the use of an L-shaped floor profile. However, STRAIN teaches the use of a U-shaped floor profile (25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of MERRITT, as modified by JP 10002040, with the U-shaped floor profile of STRAIN in order to providing the assembly with a added protection and rigidity about each side of the panel member.

Claims 2-4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,455,801 to MERRITT in view JP 10002040 and US Patent #4,258,511 to STRAIN, as applied to claim 11 above, and further in view of US Patent #6,293,069 to MONDA et al. MERRITT, as modified by JP 10002040 and STRAIN, discloses the basic claimed structure except for the use of a sealing tape. In reference to claims 2,3 and 18, MONDA et al. teaches the use of a sealing tape (16) and a sealing material (22,23). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of MERRITT, as modified by JP 10002040 and STRAIN, with the sealing tape and material of MONDA et al. in order to provide a secure room that is less cost efficient and the will also properly seal off the joints between adjacent panels. MERRITT uses metal sealing members; however, the materials of MONDA et al. not only cost less, but weigh less; thereby contributing to a much lighter assembly. Regarding claim 4, the individual elements (18,20,22) are connected by tongues (T), see the marked attachment.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,455,801 to MERRITT in view JP 10002040, as applied to claim 13 above, and

further in view of US Patent #4,258,511 to STRAIN. . MERRITT, as modified by JP 10002040, discloses the basic claimed secure room except for the use a U-shaped floor profile. MERRITT discloses the use of an L-shaped floor profile. However, STRAIN teaches the use of a U-shaped floor profile (25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of MERRITT, as modified by JP 10002040, with the U-shaped floor profile of STRAIN in order to providing the assembly with a added protection and rigidity about each side of the panel member.

Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,455,801 to MERRITT in view JP 10002040, as applied to claim 10 above, and further in view of MONDA et al. MERRITT, as modified by JP 10002040, discloses the basic claimed structure except for the use of a sealing tape. MONDA et al. teaches the use of a sealing tape (16) and a sealing material (22,23). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of MERRITT, as modified by JP 1000204, with the sealing tape and material of MONDA et al. in order to provide a secure room that is less cost efficient and the will also properly seal off the joints between adjacent panels. MERRITT uses metal sealing members; however, the materials of MONDA et al. not only cost less, but weigh less; thereby contributing to a much lighter assembly.

Allowable Subject Matter

Claims 5,7,8,12 and 21 are allowed.

Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH
April 5, 2004

